IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 98 OF 2005

IN

CONTEMPT PETITION NO. 61 OF 2004

IN

S.C.SUIT NO. 103 OF 1976

Sett Minar Co-op. Hsg. Society Ltd. .. Applicants

V/s

Shireen Jamsetjee Jeejeebhoy & Ors. .. Respondents

Mr. K.B. Nambiar for applicants

F.E. D'Vetre along with Shyam Mehta i/b Fed Rashmikant for petitioner.

Coram : A.S. Aguiar, J.

Date : 25th February, 2005

**P.C**.

. Heard learned advocate for parties. Chamber summons is for directions to petitioners to transfer a sum of Rs.1,48,457/- deposited with this court by respondents pursuant to order dated 14/6/2004 in contempt petition No. 61/2004 and to pay said amount to applicant Sett Minar Co-op.Housing Society Ltd.. This direction is sought in view of the order dated 5/7/2004 passed by Justice S. C.

Dharmadikari. In para-6 of said order, this court directed that since petitioners have deposited 50% of the disputed in this court, it will be open for revisional authority to make appropriate application to the Prothonotary and Senior Master for the transfer of amount deposited in this court to its account in revision application filed before it. Revisional Authority by its order dated 30/8/2004 declared that office of Joint Registrar has no account and, therefore, no provision for accepting the amount deposited in revision application, and granted liberty to applicant society to apply to this court for necessary orders.

. Learned advocate for respondents states that the society charges at the rate of Rs.6000/- per annum are being paid to the Applicant and in case there are any arrears, the same will be paid upto date within a week. .

Since amount deposited in this court cannot be transferred to account of revisional authority, the said amount would continue to lie in this court. The Prothonotary and Senior Master to invest the said amount in a Natianalised Bank for a period of one year. With the above, chamber summons stands disposed of.

( A.S. Aguiar,J.)